

Application No.: 10/523,577
Docket No.: JCLA 16061RECEIVED
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APR 03 2007

REMARKSStatus of the Application

Claims 53-58, 72-75, and 90 were rejected under 35 USC 103(a) as being unpatentable. Claim 91 was objected to for being dependent on a rejected base claim, but would be allowable if rewritten into independent form. Claims 51, 52, 59-71, 76-89, 92 and 93 were withdrawn.

No claims are amended in this response. New claim 94 is added. No new matter adds through the amendment. For the reasons discussed below, Applicant traverses the above rejections.

Priority

Applicant mailed the certified copy of prior European patent application No. 02018840.7 and 0202880.9 to the United States Patent and Trademark Office on March 14, 2007.

Claim Rejections

Claims 90, 53-58, and 72-75 were rejected under 35 USC as being unpatentable over Hennequin et al. (WO 2000047212) in view of Knockaert et al. (Chemistry and Biology (2000) Vol. 7: 411-422), Lochmuller et al. (Separation Science and Technology (1987) 22:2111-2126), and Smith et al. (US 6,027,945).

Applicant respectfully traverses the rejection.

The Office Action alleged that "Hennequin et al disclose a compound with registry number 288384-46-3, that is encompassed by the general formula V, wherein Xa is -O-, I, o, and p=zero; R1 is a halosubstituted aryl or C1 alkoxy; n=3; Xc is -NH-, and Y is -SO₂CH₃".

However, as recited in claim 90, in the general formula V, Y is -NH₂, -NHR₁, -OH, -SH, or -SO(CH₃), Y is not -SO₂CH₃. Therefore the compound with registry number 288384-46-3 disclosed by Hennequin et al is not encompassed in formula V, and Hennequin et al fail to teach the compounds of formula V.

Clearly, none of Knockaert, Lochmuller, and Smith can cure the above discussed deficiency of Hennequin.

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For at least the reasons discussed above, claim 90 is patentable over Hennequin, Knockaert, Lochmuller, and Smith. For at least the same reasons, its dependent claims 53-58 and 72-75 are also patentable over Hennequin, Knockaert, Lochmuller, and Smith.

Claim Objection

Claim 91 was objected to for being dependent on a rejected base claim, but would be allowable if rewritten into independent form to include all limitations of the base claim.

Examiner is thanked for pointing out that claim 91 contains patentable subject matter. But, Applicant believes that independent claim 90 is patentable over the cited prior art and, thus, it is unnecessary to combine claim 90 into claim 91.

New claim

New claim 94 is added to more fully protect the invention. Claim 94 depends on claim 90 and specifies that Y does not include $-\text{SO}(\text{CH}_3)$.

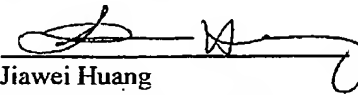
Conclusion

In view of the foregoing remarks, it is respectfully submitted that all pending claims are in condition for allowance. Allowance of this application is earnestly solicited.

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Respectfully submitted,
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